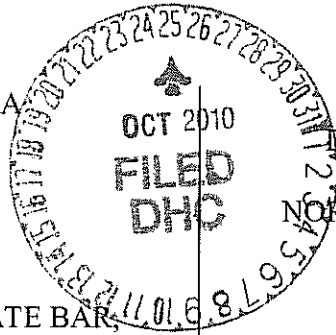


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING
COMMISSION
NORTH CAROLINA STATE BAR
10 DHC 27

THE NORTH CAROLINA STATE BAR,

Plaintiff,

vs

HOLLY C. STEVENS, PAULINE E. MAKIA,
CARMEN J. BATTLE, JAMIE NEWSOM,
Attorneys,

Defendants.

ANSWER

NOW COMES Defendant Carmen J. Battle (hereinafter "Defendant") and responding to Plaintiff's Complaint, alleges and says:

1. The allegations in paragraph 1 of the Complaint are admitted.
2. Upon information and belief, Defendant admits that Stevens was licensed to practice law in the State of North Carolina. Except as specifically admitted, the remaining allegations contained in paragraph 2 of the Complaint are denied.
3. Upon information and belief, Defendant admits that Makia was licensed to practice law in the State of North Carolina. Except as specifically admitted, the remaining allegations contained in paragraph 3 of the Complaint are denied.
4. The allegations in paragraph 4 of the Complaint are admitted.
5. Upon information and belief, Defendant admits that Newsom was licensed to practice law in the State of North Carolina. Except as specifically admitted, the remaining allegations contained in paragraph 5 of the Complaint are denied.
6. The allegations contained in paragraph 6 of Complaint are admitted.
7. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7 of the Complaint, therefore said allegations are denied.

8. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of the Complaint, therefore said allegations are denied.
9. The allegations in paragraph 9 of the Complaint are admitted.
10. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the Complaint, therefore said allegations are denied.
11. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of the Complaint, therefore said allegations are denied.
12. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 12 of the Complaint, therefore said allegations are denied.
13. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 13 of the Complaint, therefore said allegations are denied.
14. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 14 of the Complaint, therefore said allegations are denied.
15. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the Complaint, therefore said allegations are denied.
16. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 16 of the Complaint, therefore said allegations are denied.
17. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 17 of the Complaint, therefore said allegations are denied.
18. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 18 of the Complaint, therefore said allegations are denied.
19. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 19 of the Complaint, therefore said allegations are denied.

20. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the Complaint, therefore said allegations are denied.
21. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 21 of the Complaint, therefore said allegations are denied.
22. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the Complaint, therefore said allegations are denied.
23. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the Complaint, therefore said allegations are denied.
24. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the Complaint, therefore said allegations are denied.
25. Upon information and belief, Defendant admits that Stevens moved to the State of Arkansas. Defendant further admits that in or about January 2006 Stevens discussed selling her law practice with Defendant. Except as specifically admitted, the remaining allegations contained in paragraph 25 of the Complaint are denied.
26. Defendant admits that starting in January 2006 she covered cases for Stevens and opened a trust account for use while for and at Stevens law practice. Except as specifically admitted, the remaining allegations contained in paragraph 26 of the Complaint are denied.
27. The allegations contained in paragraph 27 of the Complaint are admitted.
28. Defendant is without sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the Complaint, therefore said allegations are denied.
29. Defendant neither authorized nor had knowledge of the actions and transactions referenced in paragraph 29 of the Complaint. Therefore, Defendant denies the allegations contained therein.
30. Defendant neither authorized nor had knowledge of the actions and transactions referenced in paragraph 30 of the Complaint. Therefore, Defendant denies the allegations contained therein.

31. The allegations contained in paragraph 31 of the Complaint are denied.
32. Defendant neither authorized nor had knowledge of the actions and transactions referenced in paragraph 32 of the Complaint. Therefore, Defendant denies the allegations contained therein.
33. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 33, therefore said allegations are denied.
34. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 34, therefore said allegations are denied.
35. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 35, therefore said allegations are denied.
36. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 36, therefore said allegations are denied.
37. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 37, therefore said allegations are denied.
38. Defendant is without information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 38, therefore said allegations are denied.

FIRST AFFIRMATIVE DEFENSE

Lack of Capacity

39. Defendant states as an affirmative defense to the allegations contained in the Complaint that Defendant lacked capacity and sufficient knowledge to prevent the harmful acts alleged by Plaintiff.

40. In support of Defendant's affirmative defense, from in or about 2004 through in or about 2006, Defendant was diagnosed with breast cancer and underwent extensive surgery, reconstruction and rehabilitation.

41. Defendant found it necessary to withdraw from the practice of law due to her illness and the rigors required by the treatment of the same.

42. Due to the demands of her illness and subsequent treatment, Defendant was unable to participate in the practice of law and unable to take proactive steps in addressing issues pertaining to her former law practice. Defendant was unaware of any wrong doings or mismanagement of accounts or trust accounts associated with Defendant's license to practice law.

WHEREFORE, Defendant prays that:

1. The Complaint and allegations against Defendant be dismissed;
2. Plaintiff be taxed with the fees and costs of this action and these proceedings; and
3. That Defendant receive such further relief as deemed appropriate.

This the 25th day of October 2010.

A handwritten signature in black ink, appearing to read 'Anthony E. Flanagan', is written over a horizontal line.

Anthony E. Flanagan, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the attached document upon all parties in this cause by depositing a copy hereof, enclosed in a postpaid properly addressed wrapper, addressed to each party or attorney for said party, in a post office or official depository under the exclusive care and custody of the United States Postal Service.

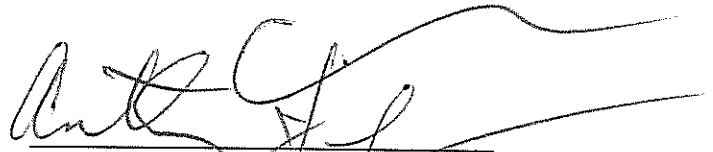
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This the 25th day of October 2010.



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